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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,757	08/14/2003	Donald Kenneth Bunnell	BUN.0101	1756

26505 7590 07/29/2005

RIGDON PATENTS & ENGINEERING, PC
213 PARADISE MARSH CIRCLE
BRUNSWICK, GA 31525

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,757

Applicant(s)

BUNNELL, DONALD KENNETH

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with lack of antecedent basis and phrasing errors. Claim 1 is cited to expound upon the perceived lack of clarity: in lines 8, 15, 17, 31 & 37 the phrase "the sheet" respectively, does not have a proper antecedent basis [should be "the sheet product"]; in line 9, the phrase "the advancing means" is viewed as being dissimilar in scope to the previously defined "means for advancing the sheet..." [applicant should remain consistent with the phraseology i.e., means-plus-function format]; in line 13, the phrase "the advance motor actuation means" is viewed as being dissimilar in scope to the previously defined "means for actuating the advance motor" [applicant should remain consistent with the phraseology i.e., means-plus-function format]; in lines 19 & 35, the phrase "the cutting means" is viewed as being dissimilar in scope to the previously defined "means for cutting the sheet..." [applicant should remain consistent with the phraseology i.e., means-plus-function format]; in line 23, the phrase "the cut motor controlling means" is viewed as being dissimilar in scope to the previously defined "means for controlling the cut motor" [applicant should remain consistent with the phraseology i.e., means-plus-function format]; in lines 33-34, the phrase "the transverse rod having, at least, one park position at, at least, one end." is unclear and confusing as presently worded. It appears that the commas (,) could be removed along

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with the second occurrence of "at least" to assist in the formation of a clear phrase; in lines 39-40, it appears that the term "cutting" should be inserted after "circular" & "straight" respectively; in line 45, the phrase "the clamping means" is viewed as being dissimilar in scope to the previously defined "means for releasably clamping the sheet..." [applicant should remain consistent with the phraseology i.e., means-plus-function format]; and in line 46, the phrase "at least one" should be inserted before "park position" so as to be consistent with the earlier recited limitation. Consequently, the remaining claims are rejected, at the very least, because they are dependent upon an indefinite claim.

Allowable Subject Matter

3. Pending further review, consideration and an updated search, Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

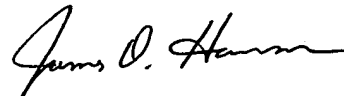
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hauck, Hamlin and British publication 795,245 describe sheet product roll dispensers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
July 25, 2005